



COMMONWEALTH of VIRGINIA

Department for the Aging

Linda L. Nablo, Commissioner

VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD MEETING (VPGCAB)

March 27, 2008, 10:00 AM

MEETING MINUTES

Members Present

Janis Selbo, Vice-Chairman, Kirby Fleming, Judith Koziol, Gail Nardi, Mary Payne, John Powell, Kathy Pryor, Erica Wood, Lawrence Zippin

Members Absent

Paul Aravich, Chair, Aundria Foster, Nancy Mercer, Alisa Moore, Cynthia Smith, Dana Traynham,

Ex Officio Member

Theresa Drought, Ph.D., University of Virginia School of Nursing

Guest

Autumn Benson, VCU MSW Student Intern, Jewish Family Services – Richmond, VA (JFS/R)

Kathy Dial, Public Guardian Program (PGP) Coordinator, Catholic Charities of Eastern Virginia, Norfolk VA

Carter Harrison, Alzheimer's Association, Richmond, VA

Ted Susac, PGP Program Coordinator, JFS/R

VDA Staff

Faye Cates, Kathy Miller, Jackie Taggart

Meeting Called to Order

Janis Selbo, Vice Chair to the VPGAB called the meeting to order at 10:00 a.m.

Tim Catherman, Director of Administrative Services at the Virginia Department for the Aging (VDA) updated Board members on the travel reimbursement procedures.

He informed members that the Department of Accounts has recommended that travel reimbursement be direct deposit. Forms were provided for them to fill out to get their accounts processed and activated.

Ms. Selbo, Vice Chair asked those in attendance to introduce themselves. The Minutes of the December 13, 2007, VPGCAB meeting were approved and accepted.

Updates on Board Members Visits to Public Guardian Program's Multidisciplinary Panel Meetings

Kirby Fleming gave feedback on his visit on Thursday, March 5, 2008, at Jewish Family Services of Richmond, VA (JFS/R) Multidisciplinary Panel (MDP) meeting. He saw it as a good and useful meeting. Client cases were discussed in details. A lot of concern and effort was considered in providing care. Not a lot of discussion on finances was held as to how decisions were going to be carried out. Ted Susac of JFS/R was very accommodating in providing him information to prepare him for the meeting. They have regularly scheduled meetings and their next meeting will be held May 15th.

John Powell will visit with the MDP of the Planning District 10 Public Guardian Program at Charlottesville Department of Social Services on Friday, April 18.

Other Board members voiced an interest in attending a MDP meeting in the future. Faye Cates will contact the PGPs to obtain information about when their panel meetings are scheduled and advise Board members.

Financial Report

Ms. Cates distributed a handout of the Board's expenditure report for review and discussion.

Ms. Selbo asked if any Board member was interested in assuming her membership in the National Guardianship Association. The Board chair will retain primary membership. She stated that being a member offers a lot of benefits. Ms. Cates will solicit the full board by e-mail for a volunteer.

Travel expense for trainings is available for any Board member within allotted funds. Ms. Cates will e-mail Board members as to their interest in attending the National Guardianship Association Conference. Requests will be approved before hand.

Replacement of Board Member

Ms. Cates informed the Board that Mary Payne's membership on the Board terminates in June. Ms. Payne represents the Area Agencies on Aging (AAAs).

Terri Lynch, Director, Arlington Area Agency on Aging and Thelma Bland Watson, Executive Director, Senior Connections, The Capital Area Agency on Aging are two candidates to be considered for nomination to fill the slot. Ms. Cates will contact Helen

Cockrell, President of Virginia Area Agencies on Aging to inform her of the nominations. Approval has to be given by the Secretary of the Commonwealth.

Strategies for Seeking Additional Funding for the Public Guardian Programs

The above topic was discussed in great length.

- Gail Nardi suggested that Paul Aravich, Chair of VPGCAB meet with Linda Nablo, Commissioner of VDA to discuss funding strategies in preparation for the 2009 General Assembly. It was also recommended that now is the time to contact members of the Long Term Care Subcommittee of the Joint Commission on Health Care to get public guardianship on their agenda. John Powell and Erica Wood will follow through with this effort. For both issues the decision was to have the Executive Committee meet and prepare a document that outlines talking points as to what the strategy will be when meeting with the Commissioner.

Strategic Planning

The Board decided to use its June 26, 2008, meeting as a strategic planning session, with a very brief meeting to carry out any required business.

The Board asked Ms. Cates to seek a facilitator to work with the Executive Committee and members of the Board to flush out the plan for the day. The Board wants to use the 2007 Teaster Report, an evaluation of Virginia's 15 PGPs, as the basis on which to begin to plan and produce an action plan. The PGP representatives present at the meeting would like to consider education of the bar (judges, guardians ad litem, attorneys) as a strategic goal, although, funding remains their major issue.

The following strategies were discussed:

- The Board's Executive Committee meets with VDA Commissioner to explore strategies for funding. This meeting might include the Commissioner of Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) since this agency is currently providing funding for guardians services provided to persons diagnosed with mental retardation. However, there remains a need for funding for unrestricted guardian slots, i.e., adults over age 18, including elderly persons and persons with disabilities.
- Contact the Virginia Municipal League and Virginia Association of Counties to gain support for program on the local level. These organizations have lobbyists who might be helpful.
- Have the Board Chair contact the Joint Commission on Health Subcommittee on Long Term Care to get public guardianship on their fall agenda. This would be coordinated with the VDA and DMHMRSAS Commissioners. A presentation about the need for the service should be developed, utilizing the recommendations from the 2007 Teaster Report.

- Explore resources for private funding such as grants, and provide the PGPs information about how to access grant funding.

The 2008 Joint Annual Conference of Virginia Guardianship Association and Virginia Elder Rights Coalition (VGA/VERC) will be in Richmond, April 7-8, 2008, and the Executive Committee will schedule a time to meet to develop a strategy for meeting with the two Commissioners.

Pros and Cons of VPGCAB Status as an Advisory Board Versus Regulatory Board

Lawrence Zippin reported that the Virginia Department for the Aging does not have any regulatory boards in its structure. The VPGCAB as a regulatory board would have one focus (guardianship) and the General Assembly does not recognize a board with one issue.

Carter Harrison concurred with Mr. Zippin that the Board does not carry enough weight at the present time to see this through. Mr. Harrison suggested that the Board be diligent in focusing on the proposed regulation, which is currently in the Governor's Office for review. He also suggested that if they are not adopted in a timely manner to have a Board member set up a meeting with staff at the Governor's Office.

Planning and Development Committee

Ms. Selbo reported that the committee has not met, as they are waiting until the proposed regulation has not been adopted.

Health Care and Medical Decision-Making Authority of Public Guardians

Paul Aravich, Committee Chair, was absent.

Dr. Theresa Drought, Consultant to the Committee, informed the Board that the first proposal for her study of the PGP process for health care decision-making was denied. She presented two draft letters for the Board's endorsement. One letter was addressed to Virginia's 15 PGPs asking for their participation to be interviewed for the study. The second letter was to the Institutional Review Board for the Social and Behavioral Sciences in support of the study.

Motion: Mary Payne moved to have the Board endorse the letters with suggested revisions. Seconded by Mr. Zippin. Motion passed.

Legislative Report

Kathy Pryor reported on the 2008 General Assembly Session and bills impacting aging and guardianship.

- **HB 674 (Alexander) Department for the Aging Four-Year Plan Report**
Passed, with the first report due 10/30/09 and every four years thereafter.

- **HB 805 (Englin) and SB 290 (Barker) Advance Health Care Directive Registry Created**
Passed, no money attached but it may be a fee-based service.
- **HB 1299 (Frederick) Revised Uniform Anatomical Gift Act; Resolve Situations When Conflict Between Health Care Directive**
Amendments passed.

Did not pass

- **HB 325 (Saxman) Guardian Ad Litem; Dissemination of Criminal Records**
Bill would have allowed the dissemination of criminal records to guardians ad litem appointed to represent youth and incapacitated adults in any court.
- **HD 1004 (Bell) and SB 47 (Whipple) Advance Directives; Mental Health Directives Follow Same Procedures as for Medical**
Would allow agents to authorize admission for mental health treatment.
- **HB 950 (Iaquinto) Uniform Power of Attorney Act (UPOAA) Established**
Bill would allow for powers of attorney to be durable unless drafted to expire upon a specified date or event.

Public Comment

There were no public comments.

OTHER BUSINESS

Erica Wood distributed *The Public Guardian Program After 25 Years Study – Executive Summary*, and reviewed conclusions of the study. Many items mentioned are already in the Virginia PGP model of practice. She noted that in the study the staff/client ratio is clearly indicated as 1:20.

She reported that the American Bar Association (ABA) has two studies out: one with the American Association of Retired Persons (AARP) which can be obtained from the ABA website; the other on volunteer guardian programs available via the ABA Commission. She also shared a handbook for judges dealing with incapacity, which is a national report. It was suggested that this report be distributed to Virginia's Circuit Court Judges, although the report's focus is Probate Judges. There is a fee for bound copies but a free copy can be obtained from the ABA website. Virginia's Circuit Court Judges meet twice a year and that would be a favorable time to distribute the document, or distribute it through offices of the Clerk of Court.

Ms. Selbo noted that these documents would be helpful as the Board developed a strategic plan for the coming year at the June 26, 2008, Board meeting. Ms. Cates was

advised to utilize the Board's budget to cover the cost of the facilitator. The Executive Committee should meet with the facilitator via teleconference prior to the session to develop the agenda for the day. All Board members should be present for this meeting.

Next Meeting Agenda Items

- Strategic Planning Session

Next Meeting Date for VPGCAB

June 26, 2008

Adjournment

There being no further business, the meeting adjourned at 1:30 p.m.

Erica F. Wood

6/26/08

Erica Wood, Secretary

Date